

## SENATE BILL No. 357

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-2-18; IC 14-8-2-184; IC 14-23-1-2.

**Synopsis:** Sale of nursery stock and wildflower seeds. Prohibits the department of transportation and the department of natural resources from selling or distributing nursery stock or wildflower seeds to residents of other states or certain businesses.

**Effective:** July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Natural Resources.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 357

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 8-23-2-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 18. (a) This section does not apply to the following:**

**(1) The sale or distribution of nursery stock or wildflower seeds to the following:**

**(A) An individual who resides in Indiana.**

**(B) A governmental entity.**

**(C) A nonprofit organization or an educational institution.**

**(D) An agricultural research program.**

**(2) The exchange of nursery stock or wildflower seeds with a person or an entity.**

**(b) As used in this section, "nursery stock" has the meaning set forth in IC 14-8-2-184(1).**

**(c) The department may not sell or distribute nursery stock or wildflower seeds to the following:**

**(1) An individual who resides in a state other than Indiana.**

**(2) A retail business that sells nursery stock or wildflower**



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1 seeds.

2 (3) A wholesale business that sells nursery stock or wildflower  
3 seeds.

4 SECTION 2. IC 14-8-2-184 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 184. "Nursery stock"  
6 has the following meaning:

7 (1) For purposes of **IC 14-23-1** and IC 14-24, except as provided  
8 in subdivision (2), botanically classified hardy perennial or  
9 biennial trees, shrubs, vines, fruit pits, and other plants or plant  
10 parts capable of propagation. The term does not include corms,  
11 tubers, field vegetables, or flower seeds.

12 (2) For purposes of IC 14-24-6, the meaning set forth in  
13 IC 14-24-6-3.

14 SECTION 3. IC 14-23-1-2 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2007]: **Sec. 2. (a) This section does not apply to the following:**

17 (1) **The sale or distribution of nursery stock or wildflower**  
18 **seeds to the following:**

19 (A) **An individual who resides in Indiana.**

20 (B) **A governmental entity.**

21 (C) **A nonprofit organization or an educational institution.**

22 (D) **An agricultural research program.**

23 (2) **The exchange of nursery stock or wildflower seeds with a**  
24 **person or an entity.**

25 (b) **The department may not sell or distribute nursery stock or**  
26 **wildflower seeds to the following:**

27 (1) **An individual who resides in a state other than Indiana.**

28 (2) **A retail business that sells nursery stock or wildflower**  
29 **seeds.**

30 (3) **A wholesale business that sells nursery stock or wildflower**  
31 **seeds.**

32 SECTION 4. [EFFECTIVE JULY 1, 2007] (a) **IC 8-23-2-18 and**  
33 **IC 14-23-1-2, both as added by this act, do not apply to a contract**  
34 **to sell or distribute nursery stock (as defined in IC 14-8-2-184(1))**  
35 **or wildflower seeds that was entered into before July 1, 2007.**

36 (b) **This SECTION expires July 1, 2012.**

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